UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,323	03/09/2004	Hirotaka Matsumura	82478-5600	4275

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EXAMINER
TAKELE, MESEKER

ART UNIT	PAPER NUMBER
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/797,323	MATSUMURA ET AL.
	Examiner	**Art Unit**
	Meseker Takele	2109

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 March 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-4</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☒ Some * c)☐ None of:

  1.☒ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 4 is objected to because of the following informalities:

As to claim 4:

(3) The recitation of "content pages", line 6, should be – "said content pages" --.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claim 4, is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. The current focus of the Patent Office in regard

to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a

judicial exception (software) are that the claimed invention recites a practical

application. Practical application can be provided by a physical transformation or a

useful, concrete and tangible result. No physical transformation is recited: the steps of

providing templates, generating a form, view, shared-action, and agent from the

corresponding templates, and combining the generated elements to define an

application are merely instructions within a computer program. The claim merely recite

the steps associated with using a standard application development template and does

not cite a result, so it does not satisfy the requirement of producing a useful, concrete,

and tangible result.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fushimi et al. (US Pub. No.: 2004/0148232) in view of Hanai et al. (US Pub. No.:

2001/0051893).

As to claim 1, Fushimi discloses, an inquiry processing apparatus for providing

web pages to a browser terminal via a network (example, processing unit, data

received, network, see paragraph [0010]), the web pages including an inquiry page for

entering an inquiry and (content pages other than the inquiry page, example, request,

contents provider, see paragraph [0127]) comprising: a recording unit operable to

record therein a history of the provision of content pages to the browser terminal

(example, store, se paragraph [0012]); a receiving unit operable to receive an inquiry

entered into the inquiry page via the browser terminal (example, receiving unit, see

paragraph [0084] and figure 3, element 33). However Fushimi does not disclose, a

judging unit operable to judge, when the inquiry is received, whether a predetermined

content page has been provided to the browser terminal, based on the history and a

providing unit operable to provide the received inquiry and a result of the judgment to a

responder for responding to the inquiry. Hanai from the same field of endeavor

disclose, a judging unit operable to judge, when the inquiry is received, whether a predetermined content page has been provided to the browser terminal, based on the history and a providing unit operable to provide the received inquiry and a result of the judgment to a responder for responding to the inquiry (example, this system judges the consumable item and the option product, which are applicable to the item that the user possesses, based on the user's purchase history (see paragraph [0103]), (example, information storing memory, see paragraph [0010] and [0011]). It would have been obvious to one ordinary skill in the art to modify an inquiry processing apparatus for providing web pages to a browser terminal via a network at the time of the invention is made with (example, this system judges the consumable item and the option product, which are applicable to the item that the user possesses, based on the user's purchase history (see paragraph [0103]), (example, information storing memory, see paragraph [0010] and [0011]) as presented by Hanai. The motivation to combine the two reference will help the user can purchase the consumable item and the option without conducting a complicated procedure (see paragraph [0103]).

As to claim 2, Hanai discloses, a checking unit operable to check, each time a content page is provided to the browser terminal, whether the content page is the predetermined content page, wherein the recording unit records a result of the checking as the history (example, management server 13 checks, the content of the sales master DB 234 see paragraph [0102]).

As to claim 3, Fushimi discloses, an inquiry processing method for use by an electronic catalog presenting apparatus (example, method, see paragraph [0011]) that

provides web pages to a browser terminal via a network (example, electronic catalog, network, see paragraph [0001]), the web pages including an inquiry page for entering an inquiry and content pages other than the inquiry page (content pages other than the inquiry page, example, request, contents provider, see paragraph [0127]), comprising: a recording step of recording therein a history of the provision of content pages to the browser terminal (example, store, se paragraph [0012]); a receiving step of receiving an inquiry entered into the inquiry page via the browser terminal (example, receiving unit, see paragraph [0084] and figure 3, element 33).   However Fushimi does not disclose, a judging unit operable to judge, when the inquiry is received, whether a predetermined content page has been provided to the browser terminal, based on the history and a providing unit operable to provide the received inquiry and a result of the judgment to a responder for responding to the inquiry.   Hanai from the same field of endeavor disclose, a judging unit operable to judge, when the inquiry is received, whether a predetermined content page has been provided to the browser terminal, based on the history and a providing unit operable to provide the received inquiry and a result of the judgment to a responder for responding to the inquiry (example, This system judges the consumable item and the option product, which are applicable to the item that the user possesses, based on the user's purchase history (see paragraph [0103]), (example, information storing memory, see paragraph [0010] and [0011]).   It would have been obvious to one ordinary skill in the art to modify an inquiry processing apparatus for providing web pages to a browser terminal via a network at the time of the invention is made with (example, this system judges the consumable item and the option product,

which are applicable to the item that the user possesses, based on the user's purchase

history (see paragraph [0103]), (example, information storing memory, see paragraph

[0010] and [0011]) as presented by Hanai. The motivation to combine the two reference

will help the user can purchase the consumable item and the option without conducting

a complicated procedure (see paragraph [0103]).

As to claim 4, Fushimi discloses, An inquiry processing program for use by a

computer that provides web pages to a browser terminal via a network (example,

program, network, see paragraph [0012]) the web pages including an inquiry page for

entering an inquiry and content pages other than the inquiry page (content pages other

than the inquiry page, example, request, contents provider, see paragraph [0127])

comprising: a recording step of recording therein a history of the provision of content

pages to the browser terminal (example, store, se paragraph [0012]); a receiving step

of receiving an inquiry entered into the inquiry page via the browser terminal (example,

receiving unit, see paragraph [0084] and figure 3, element 33). However Fushimi does

not disclose, a judging unit operable to judge, when the inquiry is received, whether a

predetermined content page has been provided to the browser terminal, based on the

history and a providing unit operable to provide the received inquiry and a result of the

judgment to a responder for responding to the inquiry. Hanai from the same field of

endeavor disclose, a judging unit operable to judge, when the inquiry is received,

whether a predetermined content page has been provided to the browser terminal,

based on the history and a providing unit operable to provide the received inquiry and a

result of the judgment to a responder for responding to the inquiry (example, This

system judges the consumable item and the option product, which are applicable to the

item that the user possesses, based on the user's purchase history (see paragraph

[0103]), (example, information storing memory, see paragraph [0010] and [0011]). It

would have been obvious to one ordinary skill in the art to modify an inquiry processing

apparatus for providing web pages to a browser terminal via a network at the time of the

invention is made with (example, this system judges the consumable item and the

option product, which are applicable to the item that the user possesses, based on the

user's purchase history (see paragraph [0103]), (example, information storing memory,

see paragraph [0010] and [0011]) as presented by Hanai. The motivation to combine

the two reference will help the user can purchase the consumable item and the option

without conducting a complicated procedure (see paragraph [0103]).

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant disclosure.

Hirano et al. (US Pub No.: 2002/0116342) is cited to teach Domestic electrical

apparatus, subscriber-registering method, order receiving method, and data processing

system.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Meseker Takele whose telephone number is (571) 270-

1653. The examiner can normally be reached on Monday - Friday 7:30AM- 5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571) 272-2100. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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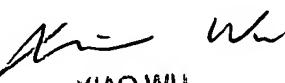
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